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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,) No. CR-12-00554 SBA
11 Plaintiff,) STIPULATED REQUEST TO CONTINUE
12 v.) STATUS HEARING DATE TO JANUARY
13) 7, 2013 FOR CHANGE OF PLEA
14 CLYDE ALLEN CRAIG,) HEARING BEFORE THE MAGISTRATE
15 Defendant.) COURT AND ORDER
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The above-captioned matter is set on December 26, 2012 for a change of plea hearing. The parties jointly request that the Court continue the matter to January 7, 2013, at 9:30 a.m., to the calendar of the Honorable Kandis A. Westmore for a change of plea hearing. At the last appearance, the magistrate court excluded time until December 18, 2012. As a result, the parties do not believe an additional exclusion of time is necessary given that the parties have reached an agreement that will be entered in a few weeks.

By way of background, on July 12, 2012, the grand jury charged Clyde Allen Craig with violations of 18 U.S.C. § 2252, the possession and distribution of child pornography. On July 18, 2012, Mr. Craig was arraigned on the Indictment and pleaded not guilty. On the most

1 serious charge, Mr. Craig faces a minimum sentence of 15 years imprisonment and a maximum
2 sentence of 40 years imprisonment.

3 The parties have reached a Federal Rule of Criminal Procedure 11(c)(1)(C) agreement in
4 this case and request to have this matter placed on the magistrate calendar in early January 2013
5 for a change of plea hearing. The reason for the requested continuance is because defense
6 counsel is unavailable on the date presently set next week for Mr. Craig's change of plea
7 hearing. For these reasons, the parties request that the Court continue this matter for a change of
8 plea hearing on January 7, 2013, at 9:30 a.m., before the magistrate court. The magistrate court
9 previously excluded time until December 18, 2012. Because no time has been used under the
10 Speedy Trial Act, the parties do not believe an exclusion of time is necessary. The parties
11 further agree that it is appropriate for the Court to refer this matter to the magistrate court for this
12 hearing.

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14 DATED: December 19, 2012

/S/
RODNEY VILLAZOR
Assistant United States Attorney

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17 DATED: December 19, 2012

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

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Stip. Req. To Continue Hearing Date, No.
CR-12-0554 SBA

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the parties have reached a Rule 11(c)(1)(C) plea agreement;
 2. Given that defense counsel is unavailable for a change of plea hearing on December 26, 2012;
 3. Given that no time has been used under the Speedy Trial Act and the parties' agreement that an exclusion of time is unnecessary; and
 4. Given the parties' agreement to have this case referred to the magistrate court for the hearing;

Based on these findings, IT IS HEREBY ORDERED that the change of plea hearing on December 26, 2012, scheduled at 11:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and continued to January 7, 2013, at 9:30 a.m., for a change of plea hearing before the Honorable Kandis A. Westmore.

December 20, 2012

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge